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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Michele Fiore,

Defendant.

Case No. 2:24-cr-115-JAD

**Government's Response to
Defendant's Motions to Seal
Exhibits (ECF Nos. 101, 106, 113)**

On January 31, 2025, the defendant filed a Motion for New Trial and a Motion to Seal Portions of Motion for New Trial and Exhibits in Support of Motion. (ECF Nos. 97, 101.) The government opposed the Motion for New Trial but deferred to the Court on the motion to seal the attached exhibits. (ECF Nos. 103, 104.) On February 21, 2025, the defendant replied to the government's response to its motion for a new

1 trial, and also moved to seal an exhibit in support of that reply. (ECF Nos. 105, 106.)¹
2 On February 26, 2025, the Court ordered the government to respond to the defend-
3 ant’s original motion to seal exhibits. (ECF No. 111.) It does so here.

4 After careful analysis under the “compelling reasons” standard articulated in
5 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), the govern-
6 ment agrees with the defendant that the attached exhibits should be sealed. The
7 exhibits are a wide-ranging collection of materials relating to investigations involv-
8 ing the defendant dating back to 2018. One of the documents is a grand jury tran-
9 script, which is among the categories of documents that have “traditionally been kept
10 secret for important policy reasons.” *Times Mirror Co. v. United States*, 873 F.2d
11 1210, 1219 (9th Cir. 1989). The other materials include reports and recordings of
12 interviews, reporting from confidential human sources, internal FBI documents jus-
13 tifying physical and electronic surveillance, and a summary of derogatory *Giglio* in-
14 formation about the government’s trial witnesses.

15 Many of the defendant’s exhibits relate little, if at all, to the charges in this
16 case; in fact, some were generated before the offense conduct even occurred. Even
17 where the materials are related to the merits of the case, compelling reasons exist to
18 prevent public disclosure. Some documents reveal sensitive information about law
19 enforcement techniques and methods. Other documents contain derogatory, often
20 unverified, information about individuals who are not criminally charged, which
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22 ¹ The defendant inadvertently failed to file the exhibit in question, and thus renewed
her motion to seal at the direction of the Court after filing the exhibit on February
26, 2025. (ECF No. 113.)

1 could tend to “circulate libelous statements” or “promote public scandal.” *Nixon v.*
2 *Warner Communications*, 435 U.S. 589, 598 (1978). With respect to some of these
3 individuals, criminal investigations may be ongoing and the disclosure of investiga-
4 tive materials has the potential to jeopardize those investigations.

5 For the foregoing reasons and those articulated by the defendant in her mo-
6 tions to seal, the government concurs with the defendant’s motions.

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8 Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Department of Justice. A copy of this **GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTIONS TO SEAL EXHIBITS** was served upon counsel of record, via electronic mail.

DATED this 28th day of February, 2025

/ s / Alexander Gottfried

ALEXANDER GOTTFRIED
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